

Rec Fee \$	<u>9 0 0</u>	MARTHA O. HAYNIE,
Add Fee \$	<u>1 5 0</u>	Orange County
Doc Tax \$	<u>- 0 -</u>	Comptroller
Int Tax \$	<u>- 0 -</u>	By <u>                    </u>
Total \$	<u>10 5 0</u>	Deputy Clerk

**NOTICE OF NON-ENFORCEABILITY OF CERTAIN PORTIONS  
OF THE DECLARATION OF COVENANTS FOR  
MONTPELIER VILLAGE, PHASES 1 AND 2**

WHEREAS, the Declaration of Covenants and Restrictions for Montpelier Village, Phases 1 and 2, as recorded at Official Record book 3036, page 577 and Official Record Book 3072, page 699, of the public records of Orange County, Florida, originally provided in Article II, section 2 that children under the age of 16 were not permitted as permanent residents; and

WHEREAS, this Declaration, as amended, applies to the following real property: Montpelier Village Phase 1, Williamsburg at Orangewood, according to the plat thereof as recorded in Plat Book 8, pages 41-43 of the public records of Orange County, Florida; and Montpelier Village Phase 2, Williamsburg at Orangewood, according to the plat thereof as recorded in Plat Book 8, pages 94-95 of the public records of Orange County, Florida, and

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WHEREAS, the Fair Housing Amendments Act of 1988, and comparable legislation adopted by the State of Florida in 1989, now prohibit enforcement of age restrictions such as the one contained in the Declaration, unless the community qualifies as "housing for older persons;" and

**OR4303 PG4822**

WHEREAS, Montpelier Village Club, Inc. previously claimed that Montpelier Village qualified as housing for older persons, based in part upon an amendment to the Declaration which was previously adopted, as recorded at Official Record book 4065 page 289, Official Record Book 4118, page 2003, and Official Record Book 4131, page 2776, of the public records of Orange County, Florida, and as further set forth in Article II, Section 25 of the Amended and Restated Declaration of Covenants recorded at O.R. Book 4195, page 3120, and as clarified at O.R. Book 4200, page 3284 of the Orange County public records, and as more particularly described in the Declaration, as amended; requiring at least one occupant in each home to be 55 years of age or older; and

WHEREAS, a consent order has recently been entered in several lawsuits consolidated under master case No. 90-703-CIV-ORL-19 in the United States District Court for the Middle District of Florida, Orlando Division, in which Montpelier Village Club, Inc. and other defendants agreed that they will no longer claim that Montpelier Village constitutes "housing for older persons," and further agree to provide notification to interested persons and potential purchasers that the age restrictions in the above-referenced amendments are no longer being enforced by Montpelier Village Club, Inc. and other defendants.

Prepared By:  
Michael J. Brudny, Esq.  
Becker & Poliakoff, P.A.  
One North Dale Mabry  
Suite 950  
Tampa, FL 33609

Montpelier Village Club  
 5605 Monnow Dr.  
 Orl 32821  
 (Signature)

NOW, THEREFORE, the Association hereby places all interested persons on notice of the terms of the consent order referenced above, and places all interested persons on notice of the fact that the above-referenced provisions of the Declaration, as amended, are no longer being enforced by the Association and other defendants. Montpelier Village Club, Inc. and other defendants are therefore prohibited, by virtue of the consent order containing the agreement that the above restrictions are no longer enforceable, from restricting residency or ownership in Montpelier Village by families with children or based on the age of the occupants of any property subject to this Declaration of Covenants and Restrictions, as amended.

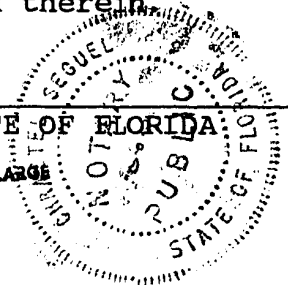
MONTPELIER VILLAGE CLUB, INC.

By *John Davis*  
John Davis, President

State of Florida: \_\_\_\_\_  
: \_\_\_\_\_  
County of Orange: \_\_\_\_\_ ss

Before me personally appeared on this 08 day of JULY, 1991, John Davis, as President of Montpelier Village Club, Inc., and he acknowledged that he executed the foregoing instrument on behalf of the corporation for the purposes stated therein.

*Christel Seque*  
NOTARY PUBLIC STATE OF FLORIDA  
Commission Expires: \_\_\_\_\_  
NOTARY PUBLIC; STATE OF FLORIDA AT LARGE  
MY COMMISSION EXPIRES APRIL 24, 1995  
BONDED THRU ASHTON AGENCY INC.



**RECORDED & RECORD VERIFIED**  
*Martha A. Haynie*  
County Comptroller, Orange Co., FL

**OR4303 PG4823**